

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

JENNIE FERNANDEZ,

Plaintiff,

v.

CIVIL ACTION NO.: 2:12-cv-6994

**FEDEX FREIGHT, INC.,
a foreign corporation, dba
Federal Express Freight, and
TONY LORENZO FORD,**

Defendant.

NOTICE OF REMOVAL

1. This civil action was commenced on October 1, 2012, against Defendants, FedEx Freight, Inc. and Tony Lorenzo Ford, in the Circuit Court of Kanawha County, West Virginia, in Civil Action No. 12-C-1964.

2. Service was accepted on behalf of FedEx Freight, Inc. by the West Virginia Secretary of State's Office on October 4, 2012.

3. The Complaint filed arises from a vehicle crash which occurred on April 18, 2012 on I-77 near Cabin Creek, Kanawha County, West Virginia. FedEx Freight, Inc. and Tony Lorenzo Ford deny that they caused or contributed to Plaintiff's accident.

4. In her Complaint, Plaintiff seeks damages for the following injuries:

- a. permanent injuries to her neck, nose, upper and lower back, left leg and left knee;
- b. medical expenses in excess of \$6,800.00 and she expects to incur future medical expenses;
- c. pain, suffering, mental anguish and emotional distress; and
- d. diminished capacity to enjoy life.

5. Upon information and belief, Plaintiff, Jennifer Fernandez, continues to receive weekly medical treatment and to date her medical expenses are approximately \$10,000.00.

Plaintiff, Jennifer Fernandez, is a citizen of the State of West Virginia. Defendant, FedEx Freight, Inc., is an Arkansas corporation with its principal place of business in Harrison, Arkansas, and Defendant, Tony Lorenzo Ford is a citizen of the State of North Carolina.

6. This Court has original jurisdiction over this Civil Action under the provisions of **28 U.S.C. §1332**, and said civil action is one that may be removed to this Court by Defendants, FedEx Freight, Inc. and Tony Lorenzo Ford, pursuant to the provisions of **28 U.S.C. §§1441 and 1446**. Defendants, FedEx Freight, Inc. and Tony Lorenzo Ford, state that although they will dispute on the merits that the Plaintiff is entitled to any recovery, the Complaint and this Notice of Removal demonstrate that for the above mentioned reasons, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of costs and interest, and is between citizens of different states.

7. Copies of all process, pleadings and orders served upon Defendants, FedEx Freight, Inc. and Tony Lorenzo Ford by Plaintiff in this action, which are comprised of the Kanawha County Circuit Court Docket Sheet, the Summons, and Complaint, are attached hereto and identified herein as Exhibits A, B and C, respectively.

8. A copy of this Notice of Removal is being filed simultaneously herewith in the Circuit Court of Kanawha County, West Virginia.

9. A copy of this Notice of Removal is also being served on counsel for the Plaintiff as reflected in the attached Certificate of Service.

Dated this 25th day of October, 2012.

**DEFENDANTS, FEDEX FREIGHT, INC.
and TONY LORENZO FORD**
By counsel,

/s/ W. Michael Moore

W. Michael Moore, Esquire (WVSB #5168)

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CERTIFICATE OF SERVICE

I, W. Michael Moore, counsel for Defendants, FedEx Freight, Inc. and Tony Lorenzo Ford, hereby certify that on this 25th day of October, 2012, the foregoing **Notice of Removal** has been electronically filed with the Clerk of the Court using the CM/ECF system. I further certify that I served a true copy of the foregoing upon counsel of record as indicated below by mailing a true copy thereof via the United States mail, in a postage paid envelope:

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Counsel for Plaintiff

/s/ W. Michael Moore
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